



City of Temecula

41000 Main Street
P.O. Box 9033
Temecula, California 92589-9033
PHONE: (951) 694-6400
FAX: (951) 694-6477

VARIANCE

Introduction

This handout summarizes Temecula's Variance requirements. Variance requirements are specified in Section 17.04.040 of the Development Code.

What is the purpose and intent of a variance?

The purpose of the Variance is to provide for equity in the development of property, and to prevent unnecessary hardships that might result in the strict or literal interpretation of certain regulations in the Development Code.

When is a variance required?

A Variance is required in order to deviate from adopted dimensional standards identified in the Development Code. Standards include; distance between structures, lot area, lot coverage, lot dimensions, setbacks and building heights. In addition, a Variance is also required to modify sign regulations or the number and dimensions of off-street parking spaces.

How do I apply for a variance?

A call is placed to the Community Development Department, (951) 694-6400, to schedule an application submittal meeting. City staff will meet with you within 1 to 2 working days to review your application materials for completeness. The application will be deemed complete once it has been determined that all submittal materials and fees have been provided.

What are the Criteria for Approval?

In order to approve the Variance, the Planning Commission must make the following findings:

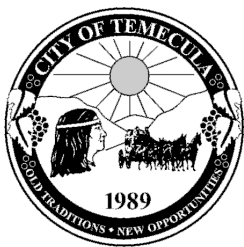
- That there are practical difficulties or unnecessary hardships created by strict application of the code due to physical circumstances and characteristics of the property that are not shared by other properties in the zone.
- The circumstances and characteristics for the variance were not created by the applicant.
- The Variance does not grant special privileges which are not otherwise available to surrounding properties and will not be detrimental to the public welfare or to the property of other persons located in the vicinity.
- The Variance places suitable conditions on the property to protect surrounding properties.
- The Variance does not permit uses which are not otherwise allowed in the zone.

Who reviews Variance applications?

The Planning Commission has the authority to consider and act upon all types of variance applications. Subsequently, the City Council considers and acts upon any appeals to Planning Commission decisions.

Where can I review General Plan, Design Guidelines and Development Code?

These documents are available for review at the Planning Department and on the web at www.cityoftemecula.org



City of Temecula

41000 Main Street
P.O. Box 9033
Temecula, California 92589-9033
PHONE: (951) 694-6400
FAX: (951) 694-6477
www.cityoftemecula.org

Date Stamp

VARIANCE

Planning Application No. _____

PROJECT INFORMATION (INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED)

Project Title: _____

Project Description/Use: _____

Legal Description (Tract, lot No.) _____

Street Address(es): _____

General Location: _____

ADDITIONAL PROJECT INFORMATION

Type of variance requested: _____

Related Planning Application(s): _____

(TYPE & NUMBER)

APPLICANT/REPRESENTATIVE/OWNER INFORMATION

APPLICANT			CONTACT		
LAST	FIRST	MI.	LAST	FIRST	MI.

PHONE NO. _____ FAX NO. _____

ADDRESS _____
STREET CITY STATE ZIP

E-MAIL _____

PROPERTY OWNER _____
 LAST FIRST MI.

PHONE NO. _____ FAX NO. _____

ADDRESS _____

STREET CITY STATE ZIP

E-MAIL _____

☐ I certify that all filing requirements have been satisfied for my application. I further understand that an incomplete application cannot be accepted for processing.

Applicant's Signature _____ **Date:** _____

Owner Certification

☐ I certify under the penalty of the laws of the State of California that I am the property owner of the property that is the subject matter of this application and I am authorizing to and hereby do consent to the filing of this application and acknowledge that the final approval by the City of Temecula, if any, may result in restrictions, limitations and construction obligations being imposed on this real property.

Owner/Authorized Agent Signature: _____ Date: _____

Print Name: _____

Written authorization from the legal property owner is required. An authorized agent for the owner must attach a notarized letter of authorization from the legal property owner.

VARIANCE APPLICATION SUBMITTAL REQUIREMENTS

Submittal Requirements	
Signed Application and Filing Fee	1
Site Plan (Described in Section A)	25
Conceptual Grading Plan (Described in Section B; If Applicable)	5
Floor Plan (Described in Section C; If Applicable)	5
Conceptual Landscape Plan (Described in Section D; If Applicable)	5
Proposed Structure Elevation (Described in Section E; If Applicable)	5
Proposed Structure Color Elevations (Described in Section F; If Applicable)	1
Sign Plan (Described in Section G; If Applicable))	
Statement of Justification (Described in Section H)	1

*Some requirements may not be applicable depending on requested Variance. Consult with staff to determine complete submittal requirements.

Submittal Requirements Prior to Hearing	
Public Hearing Information (Described in Section I)	1
8 1/2"x11" reduction of all exhibits	1
Spiral Bound Color 11 x 17 Reduction of all Exhibits	10
Full size sets of final site plan, elevations, floor plans, grading and landscape plan (if applicable) folded to 8 1/2 x 11.	10

PLAN PREPARATION AND GUIDELINES

All plans shall be drawn on uniform sheets no less than 24" X 36" (or as approved by the Community Development Department). **Each complete set consisting of the site plan, floor plan/roof plan, proposed structure elevations, conceptual landscape plan, photometric plan, and conceptual grading plan should be stapled together and folded into 1/8 sections with a folded size not to exceed 8 1/2" X 11"**. All plans shall be clear, legible and accurately scaled. The site plan, landscape plan and grading plan should all be at the **same** scale and shall be consistent with each other.

On large scale drawings, 1"=20', or larger, it will generally be desirable to include the conceptual grading of the site on the site plan in lieu of a separate drawing (see Section B). For larger, more complicated sites drawn at a smaller scale (i.e., 1"=40'), a separate conceptual grading plan should be submitted.

SECTION A. SITE PLAN CONTENT

Scale: Engineering scale not to exceed 1"=40'.

The following information shall be included on the plan:

- ☐ Name, address, and phone and fax number of applicant, owner, architect and/or engineer.
- ☐ Graphic scale (with bar scale) and north arrow
- ☐ Vicinity map
- ☐ Date Site Plan prepared
- ☐ Data table formatted in the following order:

○	Assessors Parcel Number		
○	Street Address (if available)		
○	Legal description of the property. (i.e. Tract / Parcel Map and Lot(s)/parcel(s)		
○	Zoning designation		
○	General Plan designation		
○	Existing land use/proposed land use		
○	Total Gross Area:	square feet	acres
○	Total Net Area:	square feet	acres
○	Total Building Area:	square feet	FAR
○	Lot coverage:	<u>Square Feet</u>	<u>Percentage</u>
○	Building area	s.f.	%
○	Parking area	s.f.	%
○	Landscaping area	s.f.	%
○	Parking:	<u>Spaces Required</u>	<u>Spaces Provided</u>
○	Ratio/square foot of use(s)	spaces	spaces
○	Number of disabled spaces	spaces	spaces
○	Total Parking	spaces	spaces
○	Floor Area Ratio		
○	Occupancy classification (per Uniform Building Code)		
○	Type of construction (per Uniform Building Code)		
○	Indicate if building has fire sprinklers and/or alarm		
○	Number of stories		
○	Height of building (as measured from the pre-existing grade, finished grade or floor protection elevation, which ever is lowest to highest point on roof)		

- ☐ Existing property lines in bold and label all dimensions (metes and bounds)
- ☐ Location and dimensions of all existing and proposed easements (with record reference)

- ☐ Proposed lot lines and dimensions, if applicable
- ☐ Delineate and label the minimum setbacks from all property lines
- ☐ Location and dimension of all existing and proposed structures, including building setbacks
- ☐ Location and dimension of all landscaping and pedestrian walkways (shaded)
- ☐ Location and typical dimension of drive aisles, loading zones and parking stalls
- ☐ Location of existing and proposed onsite fuel tanks
- ☐ Location and dimension of all trash enclosure(s)
- ☐ Location of monument sign(s) (existing and proposed)
- ☐ All proposed public improvements, including cross sections
- ☐ Location of existing or proposed fire hydrants within 500 feet of project site
- ☐ Location of existing or proposed Fire Department connections (within 50 feet of a public hydrant and 40 feet away from the building)
- ☐ Location of existing or proposed Post Indicator Valve
- ☐ Label interior and exterior turning radius dimensions at entries and drive aisles for emergency vehicle access (minimum interior – 37 feet; exterior – 56 feet; wheel cuts – 50 feet)
- ☐ Location and dimension of all walls and fences
- ☐ Location of all structures, driveways, parking areas, trees and adjoining property lines within 50 feet of the perimeter of the subject property
- ☐ Zoning and existing land use of adjacent parcels
- ☐ Phasing of the project (if proposed)
- ☐ Americans with Disabilities Act (ADA) path of travel (horizontal path of travel only)
- ☐ Location, type and height of all existing and proposed street, parking and pedestrian lights (Indicate any to be relocated)

SECTION B. CONCEPTUAL GRADING PLAN CONTENT

Scale: Engineering scale not to exceed 1"=40'.

On large scale drawings, 1"=20', or larger it will generally be desirable to include the conceptual grading of the site on the site plan in lieu of a separate drawing. For larger, more complicated sites drawn at a smaller scale (i.e., 1"=40'), a separate conceptual grading plan should be submitted. A Registered Civil Engineer shall prepare grading plans

The following information shall be included on the plan:

- ☐ Title Block
 - ☐ Name, address, and phone and fax number, of applicant, owner and engineer
- ☐ Legend, north arrow, bar and graphic scale, vicinity map
- ☐ Data Table
 - ☐ Assessor's Parcel Number(s)
 - ☐ Project Name
 - ☐ Legal description (i.e. Tract/Parcel Map and lot(s)/parcel (s))
 - ☐ Approximate earthwork quantities (CY)
 - ☐ Date and Source of Topography (should be current)
- ☐ Metes and bounds (i.e. bearing and distance)
- ☐ Location and dimensions of all existing and proposed easements
- ☐ Existing topography, proposed grades, and natural features to 50 feet from the perimeter of the subject property at minimum 2-foot contour intervals
- ☐ All slopes greater than 2:1 must be clearly labeled
- ☐ Limits of FEMA floodplains and floodways (if applicable)
- ☐ Delineation of special hazard zones (i.e., earthquake faults and liquefaction zones)
- ☐ Proposed grading; structures, curbs, retaining and /or sound walls (top and footing elevations), gutters, pavement, walks, swales, mounding, slopes, open space, trails, etc.) per the appropriate City standard
- ☐ Pad and finished floor elevations
- ☐ Location and dimension of all proposed public improvements, including cross sections
- ☐ Locations of existing public and proposed utilities (including sewer and water)
- ☐ Cross-sections at all property lines
- ☐ Driveway, street slopes and surfaces in plan view and cross section

- ☐ Drainage and flood control facilities; size and type
- ☐ Americans with Disabilities Act (ADA) path of travel

SECTION C. FLOOR PLAN/ROOF PLAN CONTENT

Scale: The scale used on the floor and roof plans shall be no less than 1/4" per foot. Large projects shall be no less than 1/8" per foot with 1/4" per foot details). The floor and roof plans shall illustrate all proposed (and existing, if applicable) buildings and structures. The following information shall be included on the floor plans:

- ☐ Proposed use for each room (if available)
- ☐ Proposed square footage for each room
- ☐ Restrooms
- ☐ Exits
- ☐ Doors
- ☐ Hallways
- ☐ Corridors
- ☐ Elevators
- ☐ Patio
- ☐ Fire sprinkler riser room (with direct exterior access)
- ☐ Fire alarm control panel
- ☐ Location of Knox Box
- ☐ Location of Fire Department connection (if wall mounted)

The following information shall be included on the roof plan:

- ☐ All roof pitches and direction of fall
- ☐ Location and detail of all mechanical equipment
- ☐ Spot elevations or other cross-sections necessary to verify that all mechanical equipment is fully screened

SECTION D. LANDSCAPE PLAN CONTENT

Scale: Engineering scale not to exceed 1"=40'.

The following information shall be included on the plan:

- ☐ Name, address, and phone number of applicant, architect, engineer and/or landscape architect
- ☐ Scale and north arrow.
- ☐ Location of all proposed buildings, paved surfaces, walls/fences and sidewalks.
- ☐ Roof outlines including eave overhang
- ☐ Location, size and identification of all existing and proposed plant material, trees, shrubs and groundcover. Note on plans whether existing landscape is to be removed.
- ☐ A planting legend that identifies plant varieties (botanical and common names), sizes, quantities, and spacing
- ☐ Location and elevation of mounding, if proposed
- ☐ Graphically indicate all slopes, which equal or exceed 3:1
- ☐ Graphically indicate all vehicle sight lines
- ☐ Generally describe type of irrigation system to be implemented

SECTION E. BUILDING ELEVATION (S) CONTENT

Scale: No less than 1/4" (large projects no less than 1/8" with 1/4" details).

Illustrative building elevations showing all sides of proposed (and existing, if applicable) buildings and accessory structures, (trash enclosures, walls, carports, etc.). Include cross-section(s) of building(s) with proposed grades.

The following information shall be included on the elevation plans:

- ☐ Name, address and phone number, of the applicant, architect and/or engineer
- ☐ Location of building address and wall mounted signs for all sides of the building(s)
- ☐ Shading, as applicable, to give the elevations some graphic dimension
- ☐ Location of walls and fences
- ☐ Roof top mechanical equipment screens
- ☐ A schedule for colors and materials (which corresponds to the color and material board) and specific location of their use
- ☐ Height of buildings with dimensions

SECTION F. BUILDING COLOR ELEVATION(S) CONTENT

Scale: No less than 1/4" (large projects no less than 1/8" with 1/4" details).

Illustrative building elevations showing all sides of proposed (and existing, if applicable) buildings and accessory structures (trash enclosures, walls, carports, etc.). Include cross-section(s) of building(s) with proposed grades. Colored elevations are to be void of landscaping to clearly demonstrate the aesthetic impact the building(s) will create. In addition to colored elevations, colored renderings may be submitted with landscaping, however, the landscaping must conform with the planting materials indicated on the landscape plan.

SECTION G. SIGN PLAN

The following items/information shall be provided in the sign guidelines:

- ☐ Wall Signs
 - ☐ Freestanding Signs
1. A site plan shall be provided showing location of all signs (including wall signs, monument signs, free-standing signs, directional signs, freeway signs, etc.)
 2. A legend shall be provided indicating the total number of requested signs, square footage of each sign, dimensions of each sign and sign type (including colors and materials).
 3. The site plan shall delineate the frontage (length) of all buildings and include the frontage (length) of each suite area associated with the proposed signs. If signs are proposed on the rear walls, the length of the suite shall be provided for the rear.
 4. A colored elevation of all proposed signs shall be provided and include a side view with dimensions.
 5. An illustrative dimensioned and colored building elevation for attached signage showing:
 - a) Proposed location of sign.
 - b) Height of building

SECTION H. STATEMENT OF JUSTIFICATION

Provide written justification outlining your request for a Conditional Use Permit. This justification must answer the following questions. Please provide a thorough explanation of your responses.

1. Is there practical difficulties or unnecessary hardships created by strict application of the code due to the physical circumstances and characteristics of the property that are not shared by other properties in the zone?
2. Can the circumstances and characteristics for the variance not be created by the applicant?
3. Will the variance grant special privileges which are not otherwise available to surrounding properties and will no be detrimental to the public welfare or to the property of other persons located in the vicinity?
4. Does the variance place suitable conditions on the property to protect surrounding properties?
5. If the variance is granted, will it permit a use that is not otherwise permitted in the zone?

SECTION I. PUBLIC HEARING REQUIREMENTS

The following information may be obtained by requesting a "Radius Package" from a title insurance company.

The following items will be required prior to scheduling the application for public hearing:

1. **TWO** identical packages to be inserted in separate 9 1/2" x 12 1/2" manila envelopes. These envelopes shall indicate the case number and the word "labels," and shall contain the following:
 - a. One typed set of gummed labels (**30 labels per sheet**) indicating all the property owners' names and the mailing addresses that are within a 600-foot radius of the exterior of the proposed tract boundaries (this list shall be ascertained from the last equalized assessment roll). The Planning Application Number shall be located on all label sheets.

***A minimum of the 30 nearest individual property owners (persons owning multiple properties shall only be counted once) shall be provided. Applicant is responsible for crossing out all duplicate labels.**
 - b. A photocopy of the aforementioned labels.
 - c. One label for the representative/engineer.
 - d. One label for the owner.
2. Four typed sets of gummed labels of the owner, engineer, and representative with their mailing addresses. Do not include duplicate sets where representative and owner, etc., are the same. These should be inserted in a letter-sized envelope and stapled to the outside of one of the large manila envelopes mentioned in item 1 above.
3. Certification by the Title Company, engineer, or surveyor that the above list is complete and accurate. The Tax Assessor's Office will not prepare or certify the property owner list (see certification form attached).
4. On a copy of your assessors parcel map show all the parcels within the noticing radius. On the map, print the names of all property owners within the noticing radius as they are listed on the gummed labels.

PROPERTY OWNERS CERTIFICATION

I, _____, certify that on _____
(Print Name) (Month-day-year)

the attached property owners list was prepared by

_____ Pursuant to application

requirements furnished by the City of Temecula Planning Department. Said list is a complete and true compilation of owner of the subject property and all other property owners within **600 feet (or the 30 nearest individual property owners, whichever creates the greatest number of public notices (persons owning multiple properties shall only be counted once))** of the property involved in the application and is based upon the latest equalized assessment rolls.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or erroneous information may result in processing delays or be grounds for rejection or denial of the application.

NAME: _____

TITLE/REGISTRATION: _____

ADDRESS: _____

PHONE: _____ (Daytime phone no.)

SIGNATURE: _____

DATE: _____ CASE NO.: _____